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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,886	06/25/2003	Coston L. Christensen	1095.2.1	2999

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KUNZLER & ASSOCIATES
8 EAST BROADWAY
SALT LAKE CITY, UT 84111

EXAMINER

NOLAND, KENNETH W


ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 03/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

JE

 Office Action Summary	Application No. 10/603,886	Applicant(s) CHRISTENSEN, COSTON L.	
	Examiner Kenneth W Noland	Art Unit 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-15 and 17-23 is/are rejected.
- 7) ☒ Claim(s) 3,4 and 16 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03-15-05</u> . | 6) <input type="checkbox"/> Other: ____ |



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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

2. Claims 1,2,6,7,8,13,19 20 and 23 are rejected under 35 U.S.C. 102(*b**) as being *anticipated** by *Maldanis et al. Maldanis et al discloses the apparatus to effect the method of having a receiving area as at the upper area of the receptor track 70. There are redirection members of the track and a provider track as at the lower area of the track to convey containers to a dispensing area as the area at the container 32y shown in figure 3. Note a selectively engageable stop 88 to hold containers at the dispensing area when engaged (see col 7 lines 24-26), and when released , the containers may be able to pass to a vertically lower other storage unit 28 (figure 3).**.

3. Claims 1,2,6,7,8,13,14,15,19,20,21 and 23 are rejected under 35 U.S.C. 102(*b**) as being **anticipated* by **Spring. Spring discloses the apparatus to effect the method of having a receiving area as at 20 in figure 1(receptor track). Note the redirection member 18 and a provider track as at the lower area of the track to convey containers to a dispensing area as at the container 36 in figure 1. Note an engagable stop 34 to hold the containers at the dispensing area (figure 3) , and when disengaged the containers may be able to pass to a vertically lower other storage unit 70 shown in figure 1.*The stop is solenoid actuated and utilizes a spring 55 .

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5,9,11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Spring . To provide that Spring's apparatus would hold other articles as boxes,crates,etc. would be obvious as a mere choice of utility to so dispense any desired article. In regard to claims 9,11 , the use of the track consisting of a shelf, belt etc. or the stop consisting of a slat, panel,etc. , would be obvious as a mere choice of material design to so choose any desired structure. In regard to claim 12, to detach or remove Spring's stop would be obvious as a mere choice of structural detachment or removability , as for replacement purposes or maintenance, and the above features are not afforded any patentable weight.**.

6. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Spring in view of Stefan. To provide that Spring's storage unit would be increased in capacity would be obvious in view of the teachings of Stefan's use of the storage rack that desires to also increase it's* storage capacity (see col 1, lines 29-32) to accommodate other articles.*.

7. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Spring in view*of Grace. To provide that Spring's articles would be placed upon the unit ,as by a mechanical device ,would be obvious in view of the teachings of Grace's use of loading a rack as by conveyers (see figure 1 and col 3,lines 19-24)* to provide easier loading of the unit..

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Maldanis et al in view of Bookout . To modify Maldanis et al's unit for tracks having at

least one 'fillet' would be obvious in view of the teachings of Bookout's use of the separating 'fillet' shown between the tracks in figure 2 to easily form multiple tracks.

9. **Claims 3,4 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth W Noland whose telephone number is (703) 308-3200. The examiner can normally be reached on Monday-Thursday ,each week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Kenneth W. Noland 11/15/2009

**KENNETH W. NOLAND
PRIMARY EXAMINER**